

CHAPTER 12: SECTION 504 LOANS AND GRANTS

INTRODUCTION

The objective of the Section 504 loan/grant program is to help very low-income owner occupants of modest single family homes in rural areas repair those homes. Loan funds are available for repairs to improve or modernize a home, make it safer or more sanitary, or remove health and safety hazards. For homeowners 62 and over who cannot repay a loan, grant funds are available to remove health or safety hazards, or remodel dwellings to make them accessible to household members with disabilities. Attachment 12-A provides a summary of the differences between Section 504 loans and Section 504 grants, and Attachment 12-B provides the differences between Section 502 and Section 504 loans.



Only those procedures that differ from Section 502 loans are described in this chapter.

Unless otherwise specified in this chapter, Section 504 loan/grant applications should be accepted, evaluated, and closed following the same procedures described for Section 502 loans in Chapters 2 through 10. However, Section 504 loans **cannot** be assumed except on Same Rates and Terms as in Paragraph 2.4 B. In addition, a property survey is not required for a Section 504 loan or grant unless a mortgage or deed of trust is being filed and there is a compelling reason to question the placement of the dwelling on the property; or, in farm acreage cases, where the house site is subdivided from a larger parcel. The cost of a survey can be included in the loan if there is sufficient equity.

ELIGIBLE PURPOSES FOR 504 FUNDS [7 CFR 3550.102]

Section 504 loan funds may be used to make general repairs to improve or modernize the property, as long as the dwelling remains modest. Loan Originators may approve any of the eligible costs listed in Paragraph 7.4, unless specifically prohibited in this chapter. Section 504 grant funds may be used only for repairs and improvements that will remove health and safety hazards, or to repair or remodel dwellings to make them accessible and useable for household members with disabilities.



Hazards and Major Hazards

A **hazard** is a property condition that jeopardizes the health or safety of the occupants or members of the community, but that does not make it unfit for habitation. A **major hazard** is a condition so severe that it makes the property unfit for habitation.

Restrictions on the Use of 504 Funds

Section 504 loan or grant funds cannot be used to:

- Assist in the construction of a new dwelling;
- Make repairs to a dwelling in such poor condition that when the repairs are completed, the dwelling will continue to have major hazards;
- Move a mobile home or manufactured home from one site to another;
- Pay for any off-site improvements except for necessary installation and assessment costs for utilities;
- Refinance any debt or obligation that the applicant incurred before the date of application (except for payment of the installation and assessment costs of utilities);
- Purchase or install equipment in the property (e.g., ranges, refrigerators, washers or dryers);
- Pay packaging fees to for-profit entities; or
- Provide site preparation (e.g., grading, foundation plantings, seeding or sodding, trees, walks, yard fences, or driveways to a building site).

Repairs to Mobile or Manufactured Homes

Section 504 loan and grant funds can be used to repair mobile or manufactured homes if:

- The applicant owns the home and the site and occupied the home prior to filing an application;
- The repairs are needed to remove health or safety hazards; and
- The home is on a permanent foundation, or will be put on a permanent foundation with Section 504 funds.



Permanent Foundation

A permanent foundation is either: (1) a full below-grade foundation; or (2) blocks, piers, or some other type foundation with skirting, and anchoring with tie-downs.

APPLICATIONS [7 CFR 3550.104]

Applications for Section 504 loan or grant funds are made on the same form as applications for Section 502 loan funds. Applications are generally processed in the same way; however the processing priorities for Section 502 loans do not apply to Section 504 applicants. Section 504 applications for assistance to remove health or safety hazards should receive priority processing, and the veteran's preference described in Paragraph 3.12 C. should be used in cases where multiple applications to remove health or safety hazards are received on the same day. For any Section 504 loan or grant, the Loan Originator must visit the property within 30 days of the receipt of the application to identify which repairs are essential.

By submitting applications for a grant, applicants certify that they will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant.

APPLICANT ELIGIBILITY [7 CFR 3550.103]**Income**

In order to be eligible for a Section 504 loan or grant, the applicant's adjusted income at the time of loan/grant approval and at loan closing must not exceed the applicable very low-income limit. Low-income applicants cannot receive assistance under Section 504.

Credit Requirements

The Loan Originator need not evaluate the credit history of grant applicants, except that an applicant who is subject to an outstanding judgment obtained by the United States in a Federal court, other than in the United States Tax Court, is not eligible for a Section 504 grant.

For loans, applicants must have a credit history that indicates a reasonable ability and willingness to meet debt obligations. The indicators of unacceptable credit described in Paragraph 4.11 for Section 502 loans can be used to evaluate the applicant's credit history, except that late payments for housing costs should not be considered as an indicator of unacceptable credit.

Regardless of the size of the loan being requested, the Loan Originator should check both the Infile Credit Report and HUD's Credit Alert Interactive Voice Response System (CAIVRS), as described in Paragraph 4.12. Credit reports are required with all applications for loans of \$7,500 or greater, but the cost of the report is not charged to the applicant.

Asset Requirements

Asset requirements are identical to those imposed by Section 502, except that only assets that can be converted to cash in 90 days or less are included in the calculation of nonretirement assets.

Repayment Ability

To qualify for a Section 504 loan, the applicant must have a reliable income source sufficient to allow repayment of the loan. If the applicant lacks the ability to repay the entire amount through a loan, he or she may be eligible for a grant to cover the portion that cannot be funded through a loan.

In order to determine the amount an applicant is able to repay, the Loan Originator must work with the applicant to complete *Form RD 1944-3, Budget and/or Financial Statement*. This form must also be prepared for grant applicants in order to document the fact that they do not have the ability to repay a loan.

Age for Section 504 Grants

At least one applicant must be 62 or older for a household to qualify for a grant.

Ownership of Property [7 CFR 3550.107]

The applicant must own and occupy the property to be eligible for Section 504 funds, and must be able to document ownership, as described in Paragraph 5.11, with 3 exceptions.

First, the time restrictions for leasehold interests are different. In general, Section 502 loans must have a leasehold interest with an unexpired term that is at least 150 percent of the term of the mortgage. For Section 504 loans, the property must be covered by a lease with an unexpired portion of not less than 2 years beyond the term of the promissory note, and for grants, the remaining lease period must be at least 5 years.

Second, a land purchase contract is acceptable if the applicant is current on all payments and has the ability to remain current.

Paragraph 12.4 Applicant Eligibility [7 CFR 3550.103]

Third, if standard evidence of ownership, as described in Paragraph 5.11, is not available, Section 504 loan/grant applicants may demonstrate ownership by presenting any of the following:

- Records of the local taxing authority that show the applicant as owner and that demonstrate that real estate taxes for the property are paid by the applicant;
- Affidavits by others in the community stating that the applicant has occupied the property as the apparent owner for a period of at least 10 years, and is generally believed to be the owner; or
- Any instrument, whether or not recorded, that is commonly considered evidence of ownership, such as a deed or mortgage.

PROPERTY ELIGIBILITY

Property Requirements [7 CFR 3550.106(a)]

To be eligible for Section 504 funds, the property must be considered modest for the area, must not have an in-ground pool, and must not have a value in excess of the section 203(b) limits of the National Housing Act. The Agency will not make any individual exceptions to the section 203(b) limits for Section 504 loans or grants.

A Section 504 loan or grant may be made for a property that has income-producing land or structures, as long as the loan or grant is to be used to improve the residential portion of the property.

Determining Property Value [7 CFR 3550.111]

Appraisals for Section 504 loans are to be performed only by Agency employees whenever feasible. Contract appraisals may be used when it is not feasible to have Agency employees complete the appraisals. Section 504 applicants are required to pay an appraisal fee. The cost of \$280 may be included in the 504 amount.



An appraisal is always required for an initial Section 504 loan that exceeds \$15,000. If the debt to be secured is less than \$15,000, the appraisal is not required if the Loan Approval Official is confident that the property has sufficient value to serve as adequate security.

For subsequent loans, an appraisal is required only when the security is to be taken and the total outstanding Section 504 indebtedness is \$15,000 or more.

When an appraisal is not required, the person who inspects the property for required repairs should estimate its value. The estimated value and the method used to develop the estimate should be documented carefully. For additional guidance on appraisals see Section 5 of Chapter 5.



Construction Standards [7 CFR 3550.106(c)]

Dwellings repaired with Section 504 loan or grant funds must remain modest and all work must be completed in accordance with local codes and standards. They need not be brought to Agency development standards or thermal performance standards, nor must all of the existing hazards be removed, provided the property does not continue to have major health or safety hazards after the planned repairs are made.

Environmental Requirements

Section 504 loans and grants are subject to the same environmental requirements as Section 502 loans, as described in Section 3 of Chapter 5.

INTEREST RATE AND LOAN TERM [7 CFR 3550.113]

Section 504 loans have an interest rate of 1 percent and a maximum term of 20 years. The term should be as short as possible based on the applicant's repayment ability. However, any loan made in conjunction with a grant must be made for the full 20-year term to minimize the amount of grant funds required.



Loan/Grant Combinations

Loans made in combination with grants must be amortized over the full 20 years. This will maximize the loan amount while minimizing the grant amount.

If the loan amount is less than the maximum that the applicant could repay, the loan term should be shortened so that the applicant will pay the maximum amount he or she can afford each month during the term of the loan. For example, if an applicant's repayment ability calculations indicate the ability to repay a loan in 10 years, the loan should be written for a 10-year term rather than for the maximum term.

Annual payment terms are not permitted under Section 504.

MAXIMUM LOAN AND GRANT AMOUNTS [7 CFR 3550.112]

Maximum Loan Amount

The maximum loan that an individual applicant may receive is limited by the 3 factors discussed below.

- **Outstanding loan amount.** The sum of the outstanding balance on all Section 504 loans can never be more than \$20,000.
- **Repayment ability.** The applicant must demonstrate repayment ability based on an analysis of *Form RD 1944-3, Budget and/or Financial Statement*.
- **Eligible costs.** The applicant can only receive loan funds to cover eligible costs. (For example, if the applicant has only \$5,000 of eligible repairs to make, the maximum loan allowed is \$5,000.)

Grant Limits

Grant funds are limited by 2 factors:

- **Ability to repay a loan.** An applicant is only eligible for a grant if a budget analysis based on *Form RD 1944-3* indicates that the household would be unable to repay a loan for the amount needed over 20 years. If a budget analysis indicates that a grant applicant has partial repayment ability, as much of the amount as possible must be issued as a loan, with only the remainder issued as a grant.
- **Lifetime maximum.** The lifetime grant assistance to any applicant cannot exceed a cumulative total of \$7,500.

LOAN APPROVAL AND CLOSING [7 CFR 3550.108]

Loan Approval

Notifications of loan approval or denial of credit, as well as preparation of all forms needed to close the loan, should be handled in accordance with Chapter 8.

Security Requirements

If the total Section 504 indebtedness is \$2,500 or more, it must be secured by a mortgage on the property. The Agency does not require first lien position, but the total of all debts secured by the property must not exceed the property's market value, except by the amount of any required contributions to an escrow account for taxes and insurance and the tax service fee.

Loan Closing

Loans of \$7,500 or less may be closed by the Loan Originator or designee. Loans greater than \$7,500 must be closed by a closing agent. The process for selecting a closing agent is the same as for a Section 502 loan, and is detailed in Paragraph 8.4.

GRANT APPROVAL AND DISBURSEMENT

Grant Approval

Grant recipients should be notified by sending *Handbook Letter 12(3550), Notification of Approval (504 Grant)*, that the grant has been approved.

Grant Repayment Agreements [7 CFR 3550.114]

Before any grant funds are disbursed, the recipient must sign *Form 3550-24, Grant Agreement*. The agreement states that if a home repaired with a Section 504 grant is sold within 3 years of grant approval, the full amount of the grant must be repaid. In the case of a life estate interest or an undivided ownership interest, as described in Paragraph 5.11, all co-owners living or planning to live in the household must sign *Form 3550-24*. The original *Form 3550-24* should be retained in the case file, and a copy provided to the recipient.

Documentation of Grants

In order to ensure that applicants do not receive more than the maximum allowable grant assistance of \$7,500, the Loan Originator must document the amount of any grant provided to each grantee. This information should be maintained on a single list which is retained in an operational file. The list should include: (1) the grantee's name, address, and case number; (2) the amount of the grant; and (3) the date the grant was approved.

ESCROW, TAXES, AND INSURANCE [7 CFR 3550.109, 7 CFR 3550.110]

If the total outstanding indebtedness is more than \$15,000, Section 504 borrowers are responsible for furnishing and maintaining hazard insurance, as described in Section 3 of Chapter 6. If funds are not escrowed through another lender to pay for taxes and insurance, the borrower must contribute the appropriate amount to an escrow account managed by the Agency. Escrow is also not required where the security property includes a farm and the property is not subdivided between the farm and non-farm tract unless the housing represents the majority of the value of the security property or it is in the Agency's best interest.

Flood insurance is required in Special Flood Hazard Areas (SFHA) throughout the term of a loan, regardless of the loan amount. For grants of more than \$5,000, flood insurance is required when the grant is approved, unless grant funds will be used to obtain the insurance.

ATTACHMENT 12-A
SUMMARY OF DIFFERENCES BETWEEN
SECTION 504 LOANS AND GRANTS

Note: *This attachment summarizes key requirements to assist the reader in comparing Section 504 loans and grants. It is not a comprehensive description of all requirements.*

Topic	Section 504 Loan	Section 504 Grant
Use of Funds	May be used to: (1) improve or modernize; (2) make dwelling decent, safe, and sanitary; (3) remove hazards. Cannot be used for acquisition or new construction. Specific prohibitions are listed in Paragraph 12.2 A.	May be used only to remove health and safety hazards or to make dwelling accessible to household member with disabilities.
Drug-Free Workplace	N/A	Applicants must certify that they will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant.
Credit Reports	Needed if loan > \$7,500, but no fee charged.	N/A
Age of Applicant	N/A	62 or older
Leaseholds	The property must be covered by a lease with an unexpired portion of not less than 2 years beyond the term of the promissory note.	The remaining lease period must be at least 5 years.
Appraisals	Fee charged if appraisal completed. Appraisal performed by Agency employee or contractors if loan over \$15,000.	N/A
Maximum Assistance	\$20,000 outstanding at one time.	\$7,500 lifetime limit.
Security	If Section 504 loan is >\$2,500, a mortgage is required.	No security required.
Insurance	If indebtedness >\$15,000, property insurance is required. Flood insurance is required in Special Flood Hazard Areas (SFHA).	Flood insurance is required in SFHA at grant approval for grants of >\$5,000.

ATTACHMENT 12-B

DIFFERENCES BETWEEN SECTION 502 AND SECTION 504 LOANS

Note: *This attachment summarizes key requirements to assist the reader in comparing Section 502 and 504 loans. It is not a comprehensive description of all requirements.*

Topic	Section 502 Loan	Section 504 Loan
PROGRAM PURPOSES AND PRIORITIES		
Program Purpose	Assist applicants who are not homeowners to become homeowners.	Assist current homeowners with necessary improvements and repairs.
Processing Priorities	Multiple priorities may apply. Applications that meet special criteria are processed immediately upon funding availability.	Applications for assistance to remove health and safety hazards receive priority processing.
LOAN PURPOSES		
Eligible Purposes	In general, funds may be used to buy, build, rehabilitate, improve, or relocate an eligible dwelling and provide related facilities for the borrower to personally occupy. No initial loans for repair of manufactured homes.	Remove health and safety hazards. Repair or remodel dwelling to make more accessible and useable for household members with a disability. General repairs to improve or modernize a home. Repair mobile or manufactured homes.
APPLICANT ELIGIBILITY		
Income	Applicant income must not exceed low-income limit at loan approval and must not exceed moderate-income limit at loan closing.	Applicant income must not exceed the very low-income limit at loan approval and closing.

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Topic	Section 502 Loan	Section 504 Loan
APPLICANT ELIGIBILITY		
Credit Requirements	Credit history must demonstrate ability and willingness to pay. Costs for credit reports are charged to applicant.	The same criteria are used for evaluating a loan applicant's credit history except for late payments for housing costs. Costs for credit reports are not charged to the applicant.
Asset Requirements	Applicants are required to contribute nonretirement assets above \$7,500 (\$10,000 for elderly), and available retirement funds in excess of applicable median income limit toward the purchase of the property. Exceptions can be made for households with high medical expenses.	Same as Section 502, except nonretirement assets include only assets that can be converted to cash within <u>90 days</u> .
Repayment Ability	Applicants must show repayment ability based on ratios.	Applicants must show repayment ability based on a budget. Applicants 62 and over who lack the ability to repay the entire amount of the loan may be eligible for grant funds.
Ownership	The applicant need not own the property. A leasehold must have an unexpired term of at least 150% of the term of the mortgage, unless the loan is guaranteed by a public authority, Indian tribe, or Indian Housing Authority. No exceptions on ownership evidence.	The applicant must own the property. A leasehold must have an unexpired term of at least 2 years beyond the term of the mortgage. If standard evidence of ownership is unavailable, exceptions may be made.

Topic	Section 502 Loan	Section 504 Loan
PROPERTY REQUIREMENTS		
Section 203(b) Limits	Area-wide and individual exceptions are allowed.	No individual exceptions.
Property Standards	The property must meet the Agency's site and dwelling standards.	The property: (1) need not be brought to Agency development standards or thermal performance standards; (2) need not have all hazards removed; <i>but</i> (3) must have all major health or safety hazards removed.
Appraisals	Appraisals may be conducted by an Agency employee or an outside contractor satisfactory to the Agency. Applicants are required to pay an appraisal fee.	Applicants are required to pay an appraisal fee if loan is greater than \$15,000.
LOAN TERMS		
Interest Rate and Loan Terms	The applicable Rural Housing (RH) Section 502 low or moderate interest rate in effect at loan approval or closing, whichever is lower. Standard term is 33 years; some applicants may qualify for a 38 year term. Borrowers may be eligible for payment subsidies that reduce the effective interest rate.	1 percent interest rate and a maximum loan term of 20 years.
Loan Amount	Total secured indebtedness must not exceed the section 203(b) limit or the market value.	Total secured indebtedness must not exceed the section 203(b) limit or the market value limitation. The outstanding balance on the sum of all Section 504 loans cannot exceed \$20,000.

(05-28-98) SPECIAL PN

Topic	Section 502 Loan	Section 504 Loan
LOAN APPROVAL AND CLOSING		
Loan Closing	Loans must be closed by a closing agent.	Loans of \$7,500 or less may be closed by the Loan Originator or a designee.
Security	First liens are generally required, but Agency interests may be subordinated in some circumstances.	First lien position is <i>not</i> required.
INSURANCE		
Insurance Requirements	If indebtedness greater than \$7,500, property insurance is required.	If indebtedness greater than \$15,000, property insurance is required.